

Introduced by Senator Walters

February 18, 2010

An act to amend Section 11208 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1162, as introduced, Walters. Vehicles: traffic violator schools.

Existing law authorizes a court to order a person convicted of a traffic violation to attend a traffic violator school licensed under certain provisions of the Vehicle Code, or, in lieu of adjudicating a traffic offense, if the defendant holds a certain noncommercial driver's license, and with the consent of the defendant, to order the person to attend a licensed traffic violator school, a licensed driving school, or any other court-approved program of driving instruction.

Existing law requires the Department of Motor Vehicles to charge a fee, not to exceed \$3, for each completion certificate issued by a traffic violator school to each person referred by a court and completing instruction at the school. Existing law requires that the fee be used for various purposes relating to education for traffic violators.

This bill would, instead, require the clerk of a court to collect a nonrefundable administrative fee of \$2 from a person who is ordered or permitted to attend a program of traffic safety instruction. The bill would require \$1 of the fee be retained by the court to defray its costs and \$1 of the fee be transmitted to the department to defray the department's costs incurred to process and maintain the records of traffic violators. The bill would require a traffic violator school to provide a student referred by a court with a certificate of completion. The bill would require a provider of a court-approved program of driving instruction to provide, using methods defined by the court, proof of

completion of the program to the court and to the student who is referred by a court.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11208 of the Vehicle Code is amended
2 to read:

3 11208. (a) Fees for issuance by the department of a license to
4 a traffic violator school owner shall be as follows:

5 (1) For the original license or an ownership change ~~which that~~
6 requires a new application, except as provided by Section 42231,
7 a fee of one hundred fifty dollars (\$150), with an additional fee of
8 seventy dollars (\$70) for each separate traffic violator school
9 branch or classroom location licensed. The fee prescribed by this
10 subdivision is nonrefundable.

11 (2) For annual renewal of the license for a traffic violator school
12 and for each branch or classroom location, a fee of fifty dollars
13 (\$50).

14 (3) If alteration of an existing license is required by a firm name
15 change, a change in corporate officer structure, address change,
16 or the addition of a traffic violator school branch or classroom
17 location, a fee of seventy dollars (\$70).

18 (4) For replacement of the license certificate when the original
19 license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

20 (b) Fees for the issuance by the department of a license for a
21 traffic violator school operator shall be as follows:

22 (1) For the original license, a nonrefundable fee of one hundred
23 dollars (\$100).

24 (2) For annual renewal of the license, a fee of fifty dollars (\$50).

25 (3) If alteration of an existing license is caused by a change in
26 the name or location of the established principal place of business
27 of the traffic violator school operated by the licensee, including a
28 transfer by a licensee from one traffic violator school to another,
29 a fee of fifteen dollars (\$15).

30 (4) For replacement of the license certificate when the original
31 license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

32 (c) Fees for the issuance by the department of a license for a
33 traffic violator school instructor shall be as follows:

1 (1) For the original license, except as provided by Section 42231,
2 a nonrefundable fee of thirty dollars (\$30).

3 (2) For the triennial renewal of a license, a fee of thirty dollars
4 (\$30).

5 (3) If alteration of an existing license is required by a change
6 in the instructor's employing school's name or location, or transfer
7 of the instructor's license to another employing school, a fee of
8 fifteen dollars (\$15).

9 (4) For replacement of the instructor's license certificate when
10 the original license is lost, stolen, or mutilated, a fee of fifteen
11 dollars (\$15).

12 ~~(d) The department shall charge a fee, not to exceed three dollars~~
13 ~~(\$3), for each completion certificate issued by a traffic violator~~
14 ~~school to each person referred by a court pursuant to Section 42005~~
15 ~~and completing instruction at the traffic violator school. The~~
16 ~~amount of the fee shall be determined by the department and shall~~
17 ~~be a fee sufficient to defray the actual costs incurred by the~~
18 ~~department for publication and distribution of lists of schools for~~
19 ~~traffic violators pursuant to Section 11205, for monitoring~~
20 ~~instruction, business practices, and records of schools for traffic~~
21 ~~violators and for any other activities deemed necessary by the~~
22 ~~department to assure high quality education for traffic violators.~~
23 ~~Upon satisfactory completion of the instruction offered by a~~
24 ~~licensed traffic violator school, the traffic violator school shall~~
25 ~~provide the student referred by a court pursuant to Section 42005~~
26 ~~with a certificate of completion furnished by the department. A~~
27 ~~certificate of completion shall not be issued to a person who elects~~
28 ~~to attend a traffic violator school. A traffic violator school shall~~
29 ~~not charge a fee in excess of the fee charged by the department~~
30 ~~pursuant to this subdivision for furnishing a certificate of~~
31 ~~completion. A traffic violator school may charge a fee not to exceed~~
32 ~~fifteen dollars (\$15), to issue a duplicate certificate of completion~~
33 ~~that was requested by a traffic violator, when the original certificate~~
34 ~~was lost, stolen, or mutilated. A student referred by a court pursuant~~
35 ~~to Section 42005 shall present this certificate of completion to the~~
36 ~~court as proof of completion of instruction, and no other proof of~~
37 ~~completion of instruction may be accepted by the court.~~

38 ~~(e) The department shall compile its actual costs incurred to~~
39 ~~determine the fee prescribed in subdivision (d) and make available~~
40 ~~its financial records used in the determination of the fee for~~

~~completion certificates. The fee shall be adjusted every odd-numbered year based upon the costs incurred during the preceding two fiscal years. The records described in this subdivision are public records.~~

(d) (1) In addition to the fee collected pursuant to subdivision (a) of Section 42007, the clerk of the court shall collect from a person who is ordered or permitted to attend a program of traffic safety instruction from a provider described in Section 42005, a nonrefundable administrative fee of two dollars (\$2). The clerk shall collect the fee at the same time the clerk collects other fees pursuant to Section 42007. The court shall retain one dollar (\$1) of the fee to defray its costs and shall thereafter transmit monthly one dollar (\$1) of the collected fee to the Department of Motor Vehicles to defray the department's costs incurred to process and maintain the records of traffic violators pursuant to Sections 1803.5 and 1808.7 and associated costs.

(2) Upon satisfactory completion of the instruction offered by a licensed traffic violator school, the traffic violator school shall provide the student referred by a court pursuant to Section 42005 with a certificate of completion. The student shall present this certificate of completion to the court as proof of completion of instruction, and no other proof of completion of instruction may be accepted by the court. The department shall provide certificate of completion forms to the licensed traffic violator school, at no cost to the school, for this purpose. If deemed feasible, the department may permit a traffic violator school to submit proof of course completion to the court electronically on behalf of the student.

(3) Upon satisfactory completion of the instruction offered by a provider of a court-approved program of driving instruction, the program provider shall, using methods defined by the court, provide proof of completion of the program to the court and to the student referred by a court pursuant to Section 42005.

(4) A certificate of completion shall not be issued to a person who elects to attend a traffic violator school pursuant to subdivision (b) of Section 11200.

(5) A traffic violator school may charge a fee not to exceed fifteen dollars (\$15) to issue a duplicate certificate of completion

1 *that was requested by a traffic violator, when the original*
2 *certificate was lost, stolen, or mutilated.*

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